

Joshua Prince, Esq.
Attorney Id No. 306521
Prince Law Offices, P.C.
646 Lenape Road
Bechtelsville, PA 19505
(610) 845-3803, ext 81114 (t)
(610) 845-3903 (f)
Joshua@PrinceLaw.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDWARD A. WILLIAMS	:	
Plaintiff	:	Civil Action No. 17-CV-2641
	:	
v.	:	
	:	
MERRICK GARLAND, et al.	:	Judge John Milton Younge
Defendants.	:	

**PLAINTIFF'S RESPONSE TO DEFENDANTS'
STATEMENT OF UNDISPUTED MATERIAL FACTS**

Pursuant to Local Rule 56.1 of the Federal Rules of Civil Procedure, Plaintiff Edward A. Williams, by and through his counsel, Joshua Prince, Esq. and Prince Law Offices, P.C., hereby submit the following response to Defendants' statement of material facts in support of their motion for summary judgment (Docs. 73, 74).

Plaintiff objects to the entirety of Defendants' Statement of Undisputed Material Facts on the grounds of relevancy, given the U.S. Supreme Court's holding in *New York State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111, 2127

(2022),¹ where the Court explicitly held that to uphold any form of restriction on the right to keep and bear arms, the government must “affirmatively prove that its firearms regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms” and nothing within the Defendants’ Statement of Undisputed Material Facts is relevant to the *Bruen* or *Range* analyses. Without waiving this objection, Plaintiff responds as follows:

1-6. Undisputed.

7. Objection. The “police department records,” inclusive of Defendants’ Exhibit D, are hearsay and have never been authenticated.² It is only undisputed that Mr. Williams admitted during his deposition to drinking “a beer and some wine.” Def. Exhibit A, Williams Dep. 54:17-18.

8. Disputed as stated. Mr. Williams testified that his understanding of why the charges were dismissed was “lack of evidence.” Def. Exhibit A, Williams Dep. 57: 24-58:1.

9-11. Undisputed.

¹ See also, the Third Circuit’s en banc decision in *Range v. Attorney Gen. United States of Am.*, 69 F.4th 96 (3d Cir. 2023).

² At the beginning of the deposition of Mr. Williams, the Parties agreed to the “regular stipulations, where objections … are preserved regardless of whether they’re made on the record.” See, Pltf. Exhibit D (Williams Dep. 6:22-7:1)

12-13. Objection. The “police department records,” inclusive of Defendants’ Exhibit C, are hearsay and have never been authenticated.³

14. Objection. The “police department records,” inclusive of Defendants’ Exhibit D, are hearsay and have never been authenticated.⁴ It is also disputed as stated. Mr. Williams testified that over time timeframe of “that particular day,” he had consumed 8-9 beers. Def. Exhibit A., Williams Dep. 64:2-5.

15-17. Undisputed.

18. Disputed as stated. Mr. Williams testified that only rarely does he have a drink and that he never drinks and drives. Def. Exhibit A., Williams Dep., 35:3-22.

19-28. Disputed as stated. While Mr. Williams did own firearms between 1993 and 2014-2015, he was unaware of any putative firearm disability (*see* Pltf. Exhibit D, Williams Dep. 91:15-94:23), and in fact, the Commonwealth of Pennsylvania’s records, still as of today – October 23, 2023 – specifies that his 2004 DUI conviction was for a misdemeanor of the second degree and not a misdemeanor of the first degree.⁵ *See* Pltf. Exhibit E.

³ *See* Fn. 1, *supra*.

⁴ At the beginning of the deposition of Mr. Williams, the Parties agreed to the “regular stipulations, where objections … are preserved regardless of whether they’re made on the record.” *See*, Plaintiff’s Exhibit A, Williams Dep. 6:22-7:1.

⁵ Consistent with 18 U.S.C. 922(g)(1), as defined by 18 U.S.C. 921(a)(20), as only a misdemeanor of the first degree in Pennsylvania can be punished by more than two years in jail, a misdemeanor of the second degree is not prohibiting under federal law.

29. Disputed. Mr. Colosimo testified that he could not remember what Mr. Williams told him and that it may have simply been that “he couldn’t carry.” Def. Exhibit B, Colosimo Dep. 43:20-24.

30. Undisputed.

31. Disputed. As set-forth in ¶¶ 19-28, *supra*, which Plaintiff incorporates herein by reference, Mr. Williams had no knowledge of any putative prohibition until 2014-2015, as the Commonwealth of Pennsylvania’s records, still as of today – October 23, 2023 – specifies that the grading of his 2004 offense is that of a misdemeanor of the second degree, which is not federally prohibiting. *See* Pltf. Exhibit E.

32. Undisputed.

33. Disputed. As set-forth in ¶¶ 19-28, *supra*, which Plaintiff incorporates herein by reference, Mr. Williams had no knowledge of any putative prohibition until 2014-2015, as the Commonwealth of Pennsylvania’s records, still as of today – October 23, 2023 – specifies that the grading of his 2004 offense is that of a misdemeanor of the second degree, which is not federally prohibiting. *See* Pltf. Exhibit E.

34. Disputed as stated. Mr. Williams was asked whether “*sitting here today, it’s a false statement; right*” (emphasis added) to which he responded “yes” based on his knowledge from 2014-2015 that Defendants contend that it was a

prohibiting offense that should have been graded as a misdemeanor of the first degree, contrary to the Commonwealth of Pennsylvania's records, which reflect it was a misdemeanor of the second degree.

35. Disputed as stated. When he made the entry, he believed it to be truthful and both Defendants and the Pennsylvania State Police agreed, by approving his background check. Def. Exhibit A, Williams Dep. 79:4-80:2.

36-39. Undisputed.

40-41. Disputed. As set-forth in ¶¶ 19-28, *supra*, which Plaintiff incorporates herein by reference, Mr. Williams had no knowledge of any putative prohibition until 2014-2015, as the Commonwealth of Pennsylvania's records, still as of today – October 23, 2023 – specifies that the grading of his 2004 offense was that of a misdemeanor of the second degree, which is not federally prohibiting. *See* Pltf. Exhibit E.

Dated: October 23, 2023

Respectfully Submitted,



Joshua Prince, Esq.
Attorney Id. No. 306521
Joshua@PrinceLaw.com
Prince Law Offices, P.C.
646 Lenape Rd
Bechtelsville, PA 19505
610-845-3803

610-845-3903 (fax)

Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDWARD A. WILLIAMS	:	
Plaintiff	:	Civil Action No. 17-CV-2641
	:	
v.	:	
	:	
MERRICK GARLAND, et al.	:	Judge John Milton Younge
Defendants	:	

**Exhibit List to Plaintiff's Response to Defendants'
Statement of Undisputed Material Facts**

Exhibit D: Excerpts from Plaintiff Williams' Deposition

Exhibit E: 2004 Docket Sheet

Exhibit F: Excerpts from James J. Colosimo's Deposition

Exhibit D

(Excerpt from the Deposition of Edward A. Williams)

IN THE UNITED STATES DISTRICT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -

EDWARD A. WILLIAMS, :
Plaintiff, :
:
v. :
:
JEFF SESSIONS, et al., :
Defendant. : NO. 17-2641

- - -

Deposition testimony of
EDWARD A. WILLIAMS, taken at the Office of the
United States Attorney for the Eastern District
of Pennsylvania, Allentown Courthouse, 504 West
Hamilton Street, Allentown, Pennsylvania, on
Tuesday, May 8, 2018, commencing on or about
12:31 p.m., before Renee Fazio-Callahan,
Certified Court Reporter and Notary Public.

- - -

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Philadelphia, Pennsylvania 19102
424 Fleming Pike, Hammonton, New Jersey 08037
(215) 985-2400 * (609) 567-3315 * (800) 447-8648
www.summitreporting.com

EDWARD A. WILLIAMS

1 APPEARANCES

2 PRINCE LAW OFFICES, P.C.
3 BY: JOSHUA PRINCE, ESQUIRE
4 646 Lenape Road
5 Bechtelsville, PA 19505
6 (610) 845-3803
7 joshua@princelaw.com
8 Counsel for Plaintiff

9 U.S. DEPARTMENT OF JUSTICE
10 United States Attorney
11 Eastern District of Pennsylvania
12 BY: ANTHONY D. SCICCHITANO, ESQUIRE
13 615 Chestnut Street
14 Suite 1250
15 Philadelphia, PA 19106
16 (215) 861-8200
17 anthony.scicchitano@usdoj.gov
18 Counsel for Defendant

19 - - -
20
21
22
23
24
25

EDWARD A. WILLIAMS

1 difficult to get head nods and things like
2 that, so I just ask that you answer my
3 questions with a clear yes or no; okay?

4 A. Yes.

5 Q. Or any other detail that you may
6 provide.

7 One other thing I'll ask,
8 because of the court reporter's ability, is
9 that we don't talk over each other. I will try
10 to give you a full, complete and understandable
11 question. If you can wait until I'm finished
12 and then I'll hopefully give you a chance to
13 give a full and complete and understandable
14 answer; okay?

15 A. Perfect.

16 Q. If you need a break at any point,
17 you are welcome to let me know. The only thing
18 I ask is that you answer the question that's
19 outstanding and then we'll wrap it up and take
20 a quick break; okay?

21 A. Yes.

22 MR. PRINCE: We're doing
23 regular stipulations where objections
24 don't need to be filed, they're
25 preserved regardless of whether they're

EDWARD A. WILLIAMS

1 made on the record.

2 MR. SCICCHITANO: Except as
3 to form.

4 MR. PRINCE: How did you want
5 to handle any questions you may have
6 that may come under the protective order
7 with regard to the --

8 MR. SCICCHITANO: I mean I
9 think we can see what comes up and then
10 if we have to designate the deposition
11 itself as confidential, we can talk
12 about that and happy to do it later. I
13 don't think it's something we have to
14 take care of right now.

15 MR. PRINCE: Perfect.

16 BY MR. SCICCHITANO:

17 Q. Mr. Williams, do you have any
18 medical conditions that would prevent you from
19 understanding my questions or answering them
20 truthfully today?

21 A. No.

22 Q. Are you under any medication that
23 would prevent you from understanding my
24 questions or answering them truthfully today?

25 A. No.

EDWARD A. WILLIAMS

1 your 2004 DUI conviction?

2 A. No, I didn't notify them.

3 Q. Was there a reason you didn't
4 notify them?

5 A. I didn't know that I had to.

6 Q. Did they ever ask you about it?

7 A. No.

8 MR. SCICCHITANO: All right.

9 Mr. Williams, I think I'm finished. Let
10 me just look through my notes here.
11 No further questions.

12 - - -

13 BY MR. PRINCE:

14 Q. Two quick follow-ups.

15 Mr. Williams, can you please
16 put in front of you Exhibit-5? Can you tell me
17 if on that first page there is a printed date?

18 A. January 2018.

19 Q. I'm sorry. What is the date?

20 A. January 16, 2018.

21 Q. Do you have any reason to believe
22 that to be inaccurate?

23 A. I have no idea.

24 Q. Can you turn to the following page
25 which is labeled MCP-00006?

EDWARD A. WILLIAMS

1 A. Yes.

2 Q. You were previously asked about
3 what the information in the Disposition Section
4 reflected where you said you had pled guilty
5 and that the minimal sentence was 90 days and
6 the maximum two years; do you remember that?

7 A. Yes.

8 Q. Is there a separate section listing
9 Final Disposition on that page?

10 A. No, I don't see anything.

11 Q. What about right near that section
12 that you reviewed previously?

13 A. There's something that says M2-75
14 and I guess numbers for whatever that
15 Disposition is.

16 Q. Do you have any knowledge of what
17 M2 stands for?

18 A. I thought it was ungraded
19 misdemeanor.

20 Q. Would it surprise you to learn that
21 it means misdemeanor of the second degree which
22 is equivalent here in PA to an ungraded
23 misdemeanor?

24 MR. SCICCHITANO: Objection;
25 speculation. Go ahead.

EDWARD A. WILLIAMS

1 BY MR. PRINCE:

2 Q. Would it surprise you?

3 A. Yes.

4 Q. Do you have any reason to believe
5 that that does not reflect a misdemeanor in the
6 second degree?

7 MR. SCICCHITANO: Same
8 objection.

9 THE WITNESS: No.

10 BY MR. PRINCE:

11 Q. This page also has a printed date.
12 Can you tell us what that printed date is?

13 MR. SCICCHITANO: Same
14 objection.

15 THE WITNESS: January 16,
16 2018.

17 BY MR. PRINCE:

18 Q. So as of January 16, 2018, to the
19 best of your knowledge, this sheet reflects M2
20 as the disposition?

21 MR. SCICCHITANO: Same
22 objection.

23 THE WITNESS: Yes.

24 MR. PRINCE: Nothing further.

25 - - -

Exhibit E
(2004 Docket Sheet)

MUNICIPAL COURT OF PHILADELPHIA COUNTY**DOCKET**

Docket Number: MC-51-CR-0902161-2004

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Edward Williams

Page 1 of 5

CASE INFORMATIONJudge Assigned: Gehret, Thomas F.Date Filed: 09/07/2004Initiation Date: 09/07/2004OTN: N 293062-0LOTN:Originating Docket No: 0414072018Initial Issuing Authority:Final Issuing Authority: Thomas F. GehretArresting Agency: Philadelphia PdArresting Officer: PRICE, ALBERT A.Complaint/Citation No.:Incident Number: 0414072018County: PhiladelphiaTownship: Philadelphia CityCase Local Number Type(s)Case Local Number(s)

Police Incident Number

0414072018

Legacy Docket Number

M0409021611

Legacy Microfilm Number

06024851

District Control Number

0414072018

STATUS INFORMATION

<u>Case Status:</u>	Closed	<u>Status Date</u>	<u>Processing Status</u>	<u>Arrest Date:</u>	09/07/2004
		06/15/2006	Completed		
		09/07/2004	Migrated Case (Active)		

Complaint Date: 09/07/2004**CALENDAR EVENTS**

<u>Case Calendar</u>	<u>Schedule</u>	<u>Start</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Time</u>			<u>Status</u>
Trial	09/30/2005	8:30 am	603		Scheduled
Sentencing	12/15/2005	9:30 am	200		Scheduled
Sentencing	04/20/2006	9:30 am	200		Scheduled
Sentencing	05/03/2006	9:30 am	200		Scheduled
Sentencing	06/15/2006	9:30 am	200		Scheduled

DEFENDANT INFORMATIONDate Of Birth: 11/20/1967 City/State/Zip: PHILA, PA 19141**CASE PARTICIPANTS**

<u>Participant Type</u>	<u>Name</u>
Defendant	Williams, Edward

BAIL INFORMATION

<u>Williams, Edward</u>				<u>Nebbia Status:</u> None	
<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Originating Court</u>	<u>Percentage</u>	<u>Amount</u>
Set	09/07/2004	ROR	Municipal Court		\$0.00
<u>Surety Type</u>	<u>Surety Name</u>	<u>Posting Status</u>	<u>Posting Date</u>	<u>Security Type</u>	<u>Security Amt</u>
Self	Williams, Edward	Posted	09/07/2004	Bond Signature	\$0.00

CHARGES

MUNICIPAL COURT OF PHILADELPHIA COUNTY**DOCKET**

Docket Number: MC-51-CR-0902161-2004

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Edward Williams

CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
1	1	M2	75 § 3731 §§ A5I*	Dr W/BI Alc Lev .10% Or > W/In 3 Hrs	09/07/2004	N 293062-0

DISPOSITION SENTENCING/PENALTIESDispositionCase EventSequence/DescriptionSentencing JudgeSentence/Diversion Program TypeSentence ConditionsDisposition DateFinal DispositionOffense DispositionGrade SectionSentence DateCredit For Time ServedIncarceration/Diversionary PeriodStart DateGuilty

Migrated Dispositional Event

06/15/2006

Final Disposition

1 / Dr W/BI Alc Lev .10% Or > W/In 3 Hrs

Guilty

M2

75 § 3731 §§ A5I*

Gehret, Thomas F.

06/15/2006

Confinement

Min of 90.00 Days

Max of 2.00 Years

COMMONWEALTH INFORMATION**ATTORNEY INFORMATION**

Name: Philadelphia County District Attorney's Office
Prosecutor

Name: Fortunato N. Perri Jr.
Private

Supreme Court No:Supreme Court No: 052719Phone Number(s):Rep. Status: Active

215-686-8000 (Phone)

Phone Number(s):

215-981-0999 (Phone)

Address:

215-981-0999 (Office)

3 South Penn Square
Philadelphia, PA 19107

Address:
McMonagle Perri Et Al
1845 Walnut St Fl 19
Philadelphia, PA 19103

Representing: Williams, Edward

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	09/07/2004		Unknown Filer
PARS Transfer			
2	09/07/2004		Migrated, Filer
MUNICIPAL COURT CASE CREATED			
1	10/20/2004		Migrated, Filer
MUNICIPAL COURT CONTINUANCE			

MUNICIPAL COURT OF PHILADELPHIA COUNTY**DOCKET****Docket Number: MC-51-CR-0902161-2004****CRIMINAL DOCKET****Court Case**

Commonwealth of Pennsylvania

v.

Edward Williams

Page 3 of 5

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	12/06/2004		Migrated, Filer
	MUNICIPAL COURT CONTINUANCE		
1	01/14/2005		Migrated, Filer
	MUNICIPAL COURT CONTINUANCE		
1	03/14/2005		Migrated, Filer
	MUNICIPAL COURT CONTINUANCE		
2	03/14/2005		Migrated, Filer
	MUNICIPAL COURT CONTINUANCE		
1	05/04/2005		Migrated, Filer
	MUNICIPAL COURT CONTINUANCE		
2	07/14/2005		Migrated, Filer
	MUNICIPAL COURT CONTINUANCE		
1	09/30/2005		Migrated, Filer
	Migrated Automatic Registry Entry (Calendar) Text		
2	09/30/2005		Migrated, Filer
	MUNICIPAL COURT TRIAL RESULT		
3	09/30/2005		Migrated, Filer
	MUNICIPAL COURT TRIAL RESULT		
1	12/15/2005		Migrated, Filer
	Migrated Automatic Registry Entry (Calendar) Text		
2	12/15/2005		Migrated, Filer
	MUNICIPAL COURT TRIAL RESULT		
3	12/15/2005		Migrated, Filer
	MUNICIPAL COURT TRIAL RESULT		
1	04/20/2006		Migrated, Filer
	Migrated Automatic Registry Entry (Calendar) Text		

MUNICIPAL COURT OF PHILADELPHIA COUNTY**DOCKET****Docket Number: MC-51-CR-0902161-2004****CRIMINAL DOCKET****Court Case**

Commonwealth of Pennsylvania

v.

Edward Williams

Page 4 of 5

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
2	04/20/2006		Migrated, Filer
	MUNICIPAL COURT TRIAL RESULT		
3	04/20/2006		Migrated, Filer
	MUNICIPAL COURT TRIAL RESULT		
1	05/03/2006		Migrated, Filer
	Migrated Automatic Registry Entry (Calendar) Text		
2	05/03/2006		Migrated, Filer
	MUNICIPAL COURT TRIAL RESULT		
3	05/03/2006		Migrated, Filer
	MUNICIPAL COURT TRIAL RESULT		
1	06/15/2006		Migrated, Filer
	Migrated Automatic Registry Entry (Disposition) Text		
2	06/15/2006		Migrated, Filer
	Migrated Sentence		
3	06/15/2006		Migrated, Filer
	Migrated Automatic Registry Entry (Calendar) Text		
4	06/15/2006		Migrated, Filer
	MUNICIPAL COURT TRIAL RESULT		
5	06/15/2006		Migrated, Filer
	MUNICIPAL COURT TRIAL RESULT		
6	06/15/2006		Migrated, Filer
	PROBATION FACE SHEET ENTRY		
1	08/31/2007		Municipal Court - Philadelphia County
	DL-21CF to be Prepared		
1	10/05/2009		Williams, Edward
	Return Case From Collection Agency - Monies Successfully Collected		

MUNICIPAL COURT OF PHILADELPHIA COUNTY**DOCKET**

Docket Number: MC-51-CR-0902161-2004

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Edward Williams

Page 5 of 5

CASE FINANCIAL INFORMATION

Last Payment Date: 09/16/2009

Total of Last Payment: -\$250.00

Williams, Edward Surety	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Balance</u>
Costs/Fees					
State Court Costs (Act 204 of 1976)	\$9.26	(\$9.26)	\$0.00	\$0.00	\$0.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$7.94	(\$7.94)	\$0.00	\$0.00	\$0.00
County Court Cost (Act 204 of 1976)	\$25.80	(\$25.80)	\$0.00	\$0.00	\$0.00
Crime Victims Compensation (Act 96 of 1984)	\$35.00	(\$35.00)	\$0.00	\$0.00	\$0.00
Victim Witness Service (Act 111 of 1998)	\$25.00	(\$25.00)	\$0.00	\$0.00	\$0.00
Firearm Education and Training Fund	\$5.00	(\$5.00)	\$0.00	\$0.00	\$0.00
Catastrophic Loss Fund (Act 24 of 1989)	\$50.00	(\$100.00)	\$50.00	\$0.00	\$0.00
Judicial Computer Project	\$8.50	(\$8.50)	\$0.00	\$0.00	\$0.00
ATJ	\$1.50	(\$1.50)	\$0.00	\$0.00	\$0.00
CQS Fee Misdemeanor (Philadelphia)	\$50.00	(\$50.00)	\$0.00	\$0.00	\$0.00
Collection Fee (Philadelphia)	\$100.98	(\$100.98)	\$0.00	\$0.00	\$0.00
Costs/Fees Totals:	\$318.98	(\$368.98)	\$50.00	\$0.00	\$0.00
Fines					
Title 75, DUI (Motor License Fund)	\$750.00	(\$750.00)	\$0.00	\$0.00	\$0.00
Title 75, DUI (Motor License Fund)	\$750.00	(\$750.00)	\$0.00	\$0.00	\$0.00
Fines Totals:	\$1,500.00	(\$1,500.00)	\$0.00	\$0.00	\$0.00
Grand Totals:	\$1,818.98	(\$1,868.98)	\$50.00	\$0.00	\$0.00

** - Indicates assessment is subrogated

Exhibit F

(Excerpt from the Deposition of James J. Colosimo)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -

EDWARD A. WILLIAMS, : CIVIL ACTION
: :
Plaintiff, : :
: :
vs. : :
: :
JEFF SESSIONS, ET AL., : :
: :
Defendants. : NO. 17-CV-2641

- - -

Oral deposition of JAMES J. COLOSIMO,
taken at Residence of James Colosimo, 1920 Panama
Street, Philadelphia, Pennsylvania, on June, 5,
2018, beginning at approximately 1:56 p.m., before
Elizabeth Kelly, Professional Reporter and Notary
Public in and of the Commonwealth of Pennsylvania.

- - -

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JAMES J. COLOSIMO

1 APPEARANCES:

2

3

4 FIREARMS INDUSTRY CONSULTING GROUP
5 DIVISION OF PRINCE LAW OFFICES, P.C.
6 BY: JOSHUA PRINCE, ESQUIRE
7 BY: ADAM KRAUT, ESQUIRE
8 646 Lenape Road
9 Bechtelsville, Pennsylvania 19505
10 (610) 845-3803
11 -- Counsel for Plaintiff

12

13 U.S. ATTORNEY'S OFFICE
14 BY: ANTHONY D. SCICCHITANO, ESQUIRE
15 615 Chestnut Street
16 Suite 1250
17 Philadelphia, Pennsylvania 19106
18 (215) 861-8380
19 -- Counsel for Defendants

20

21 LAW OFFICE OF DANIEL DEL COLLO, JR.
22 BY: DANIEL DEL COLLO, JR., ESQUIRE
23 901 South 12th Street
24 Philadelphia, Pennsylvania 19147
25 (215) 413-9000
-- Counsel for Witness

26

27 ALSO PRESENT:

28 Dillon Harrris, Legal Intern

29

30

31

32

33

34

35

JAMES J. COLOSIMO

1 Q Okay. Did Mr. Williams ever communicate
2 to you any criminal history that he had?

3 A No.

4 Q Did he ever inform you about a DUI
5 conviction that he had on his record?

6 A Yes.

7 Q When did he tell you that?

8 A I don't recall.

9 Q Was it recently, or was it while he was
10 employed for the company?

11 A I don't recall.

12 Q Do you recall what it is that he told you
13 about the DUI conviction?

14 A Had a DUI.

15 Q Whenever he told you about the DUI
16 conviction, did he tell you anything about whether
17 he could remain employed and possess firearms?

18 A It was checked out by ATF and by the City,
19 and they said it was okay. They were -- right
20 across the street from the City, and ATF was in
21 there every two weeks. And they knew about it.

22 Q Let's talk about that a little bit.

23 What do you recall about ATF learning
24 about Mr. Williams's DUI conviction?

25 A Nothing, except it was all right. They

JAMES J. COLOSIMO

1 didn't say fire him. They didn't say he couldn't
2 work there.

3 Q To your recollection, how do recall ATF
4 becoming aware of his DUI conviction?

5 A ATF was in my place every week. They were
6 aware of everything.

7 Q But how did they become aware of the
8 particular DUI conviction? Did Mr. Williams tell
9 them about it, or did it come back on a background
10 check? Do you recall?

11 A I don't know.

12 Q Well, then how do you know that ATF knew
13 about it?

14 A Because I inquired on it.

15 Q Okay. You inquired with ATF?

16 A Yes.

17 Q And who did ask? One of the ATF agents?

18 A Oh, I don't remember.

19 Q I'm not asking for individual names.

20 A Oh, I mean, you know, you're going back
21 years now.

22 Q Unfortunately, yes, sorry. I guess, what
23 I'm understanding then is you inquired with an ATF
24 employee, whoever they were, whatever their name
25 was, about the nature of Mr. Williams's conviction

JAMES J. COLOSIMO

1 and his eligibility for employment at the company;
2 is that right?

3 A Yes.

4 Q Okay. But you don't recall specifically
5 when that was?

6 A No.

7 Q And you don't recall who at ATF you talked
8 to; right?

9 A Whoever the agent was at that time.

10 Q Okay. Did the agent indicate to you that
11 they had conducted a background check on
12 Mr. Williams?

13 A He was allowed to work.

14 Q No, that's not my question.

15 A What is your question?

16 Q My question is whether the ATF agent
17 indicated to you that they conducted a background
18 check on Mr. Williams?

19 A Yes.

20 Q And what did they say to you about the
21 background check?

22 A I don't remember.

23 (Discussion was held off the record.)

24 BY MR. SCICCHITANO:

25 Q Do you recall whether ATF gave you any

JAMES J. COLOSIMO

1 paperwork indicating the completion of a background
2 check on Mr. Williams or his eligibility to be
3 employed at Colosimo's Incorporated? Is that a no?

4 A I don't know.

5 Q You don't recall?

6 A Ask me the question again.

7 Q Do you recall receiving any paperwork from
8 ATF indicating that ATF had conducted a background
9 check on Mr. Williams or that he was eligible for
10 employment at Colosimo's Incorporated?

11 A They said he was eligible.

12 Q I understand, sir.

13 A Paperwork, I don't remember.

14 Q Okay. That's my question, okay.

15 Did you yourself conduct any
16 background checks on Mr. Williams?

17 A On all my employees I did when they came
18 to work.

19 Q Okay. Did -- how frequently did you
20 conduct background checks on them?

21 A When they came to work.

22 Q When they started working?

23 A When they started work.

24 Q Okay, okay. And I personally don't even
25 know --